

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number
TAL:1016.098

In re Application of : Cowan

Application No.: 10/626,903

Filed: 07/25/2003

For: PROBE STATION THERMAL CHUCK WITH SHIELDING FOR CAPACITIVE
CURRENT

The owner*, Cascade Microtech Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as presently shortened by any terminal disclaimer, of prior Patent No.6,445,202 . The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent granted are commonly owned. This agreement runs with any patent granted on the instant application and is binding on the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer; in the event that it:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321;
- has all claims canceled by a reexamination certificate; is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declared that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 28,876

Timothy A. Long 02/22/2005
Signature Date

Timothy A. Long

Typed or Printed Name

(503) 227-5631

Telephone

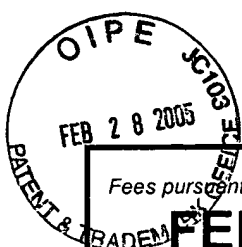
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- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).



Effective 12/08/2004

Fees pursuant to Consolidated Appropriations Act 2005 (HR 4818)

**FEE TRANSMITTAL
for FY 2005**

Complete If Known

☐ Applicant claims small entity status. See 37CFR 1.27**TOTAL AMOUNT OF PAYMENT** \$130

Application Number 10/626,903

Filing Date 07/25/2003

First Named Inventor Cowan

Examiner Name Chan, Emily Y.

Art Unit 2829

Attorney Docket No. TAL:1016.098

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number 03-1550 Deposit Account Name Chernoff, Vilhauer

For the above identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fees indicated below.☐ Charge fee(s) indicated below, except for the filing fee.☒ Charge any additional fee(s) or under payment of fees under 37 CFR 1.16 and 1.17☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent.

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent.

Multiple dependent claims

Small Entity	
Fee (\$)	Fee (\$)
50	25
200	100
360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 20 * =	0 x	50 =	0

*20 or highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims x	Fee (\$)	Fee Paid (\$)
_____ - 3 ** =	0 x	200 =	0

** 3 or the highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee(\$)	Fee Paid (\$)
_____ - 100 =	_____ / 50 =	0 (round up to a whole number)	= 250	_____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Terminal Disclaimer

Fees Paid (\$)
130

SUBMITTED BY

Complete (if applicable)

Signature		Registration No.	28,876	Telephone	(503) 227-5631
Name (print type)	Timothy A. Long	Date	February 22, 2005		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450